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EXAMINER	
YUEN, KAN	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/686,402	HOLEMAN, JAMES L.	
	Examiner	Art Unit	
	Kan Yuen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22 and 24-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22 and 24-30* is/are rejected.

7)☒ Claim(s) *31* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 1, 8, 13, 18, 24, and 27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claim Rejections - 35 USC § 103

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

> the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 4, 8-10, 13, 15, 18-22, 24, 25, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aiello et al. (Pub No.: 2005/0276255), in view of Chillariga et al. (Pub No.: 2002/0122406).

For claims 1, 24 Aiello et al. disclosed the method of transmitting a node register command over a network, the node register command comprising a plurality of bits, the plurality of bits addressing a range of potential nodes (Aiello et al. see paragraph 0078, and fig. 1, fig. 4). The master transceiver 12 broadcasts an Aloha packet in the command slot 62 of TDMA frame 58 to ascertain unregistered slave devices; determining, by a particular node and based upon the plurality of bits, whether the particular node corresponds to the range of potential nodes (see paragraph 0078). The master transceiver 12 or the particular node has a master table which contains the status of slave devices. The master table contains a plurality of bits representing the status of slave devices; listening to the network for a response from a node in the range of nodes (see paragraph 0078). After the master 12 sent out the Aloha message, it awaits for a response from any particular slave stations that want to register with the master 12 as an online slave device; responsive to detecting the response, registering the node (see paragraph 0078). After the master 12 received the response from the particular slave devices, the master 12 will transmit a confirmation command to the slave devices.

However, Aiello et al. did not disclose the method of determining, by the particular node and based upon the plurality of bits and an identifier of the particular node, a corresponding time delay determining, based upon the time slot delay in which the response is received, the particular node in the range of nodes from which the response was-received. Chillariga et al. from the same or similar fields of endeavor teaches the method of determining, by the particular node and based upon the plurality of bits and an identifier of the particular node, a corresponding time delay (Chillariga et al. see paragraph 0124, and 0025, fig. 6, box 136, and fig. 13). The zone manager ZM has the ability to measure the time delays corresponding to each time slot. The time delay is illustrated in fig. 3, TD1, TD2, TD3, where each time delay is corresponding to a time slot. For example first time slot M1/a1 has TD1, and second time slot M2/a1 has TD1, and so on. Each time slot represents a bit. Each MS1-MS3 is allocated to each time slots respectively which can be considered as the unique numbers or serial numbers; determining, based upon the time slot delay in which the response is received, the particular node in the range of nodes from which the response was-received (Chillariga et al. see paragraph 0146). A base station is determined or selected based on the delay time, timing advance and burst overlap information stored in database 25. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the zone manager as taught by Chillariga et al. in the network of Aiello et al. The motivation for using the method as taught by Chillariga et al. in the network of Aiello et al. being that it increases the reliability of the system.

Regarding claim 4, Aiello et al. disclosed the method of creating a confirmation packet; transmitting the confirmation packet and during plurality of the corresponding time slot delay, transmitting a signal based on a registration status the particular node, the signal being a confirmation of the registration of the particular node (Aiello et al. see paragraph 0078).

Regarding claims 29, and 30, Chillariga et al. disclosed the method of where in the plurality of bits comprise a first plurality of bits and a second plurality of bits (see fig. 8). The GSM frequency channel is partitioned into plurality of sub-channels, and each channel is further partitioned into time slots.

Regarding claim 8, Aiello et al. disclosed the method of at a node; receiving a node register command addressing a range of nodes (Aiello et al. see paragraph 0078, and fig. 1, fig. 4). An Aloha packet in the command slot 62 of TDMA frame 58 is transmitted to unregistered slave devices; determining whether the node is in the range of addressed nodes (see paragraph 0078). The master device 12 comprises a master table which identifying the status of all slave devices. When the slave devices received the Aloha message, it will response by sending a signal back to the master 12 for registering; responsive to determining that the node is in the range of addressed nodes (see paragraph 0078). After the master 12 sent out the Aloha message, it awaits for a response from any particular slave stations that want to register with the master 12 as an online slave device; transmitting a message during the proper time slot delay, the message being a response to the node register command (see paragraph 0078). After

the master 12 received the response from the particular slave devices, the master 12 will transmit a confirmation command to the slave devices.

However, Aiello et al. did not disclose the method of determining the proper time slot delay, based upon the addressed range of nodes and the node's serial number, and waiting for the determined time slot delay. Chillariga et al. from the same or similar fields of endeavor teaches the method of determining the proper time slot delay, based upon the addressed range of nodes and the node's serial number, and waiting for the determined time slot delay (Chillariga et al. see paragraph 0124, and 0025, fig. 6, box 136, fig. 13). The zone manager ZM has the ability to measure the time delays corresponding to each time slot. The time delay is illustrated in fig. 3, TD1, TD2, TD3, where the time delays are corresponding to a range of time slots. For example first time slot M1/a1 has TD1, and second time slot M2/a1 has TD1, and so on. Each time slot represents a bit. Each MS1-MS3 is allocated to each time slots respectively which can be considered as the unique numbers or serial numbers. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the zone manager as taught by Chillariga et al. in the network of Aiello et al. The motivation for using the method as taught by Chillariga et al. in the network of Aiello et al. being that it increases the reliability of the system.

Regarding to claim 9, Aiello et al. disclosed the method of the message is a `true` signal (Aiello et al. see paragraph 0078, lines 1-25, and see fig. 4), the true signal can be interpreted as the response from the slave device is successfully transmitted to the master device.

Regarding to claim 10, Aiello et al. disclosed the method of setting a tentatively registered flag (Aiello et al. see paragraph 0078, lines 1-25, and see fig. 4). As shown in the paragraph, the status of the slave device is maintained and tracked by master state table, which it can be interpreted as registered flag.

Regarding claim 13, Aiello et al. disclosed the method of transmit a node register command over a network, the node register command comprising a plurality of bits indicating a range of node wherein the existence of each of the nodes in the range of nodes is unknown to a device transmitting the node register command (Aiello et al. see paragraph 0078, and fig. 1, fig. 4). The master transceiver 12 broadcasts an Aloha packet in the command slot 62 of TDMA frame 58 to ascertain unregistered slave devices. The unregistered slave devices are unknown to the master 12; listen during each of a plurality of time slot delays for a response message, the response message comprising an identifier identifying the responding node (see paragraph 0078). After the master 12 sent out the Aloha message, it awaits for a response from any particular slave stations that want to register with the master 12 as an online slave device. The response signal in command slot 62 identifying the slave device 14n, and therefore the signal comprised an identifier; and responsive to detecting the response message, registering the node and its associated identifier (see paragraph 0078). After the master 12 received the response from the particular slave devices, the master 12 will transmit a confirmation command to the slave devices, and then the master 12 will notify the master table to register the slave device as online status.

However, Aiello et al. did not disclose the method of each of the plurality of time slot delays identifying one node in the range of nodes associating the identifier identifying the responding node with one of the nodes in the range of nodes, based upon the time slot delay in which the response message was received. Chillariga et al. disclosed the method of each of the plurality of time slot delays identifying one node in the range of nodes (Chillariga et al. see paragraph 0124, and 0025, fig. 6, box 136, fig. 13). The zone manager ZM has the ability to measure the time delays corresponding to each time slot. The time delay is illustrated in fig. 3, TD1, TD2, TD3, where each time delay is corresponding to a time slot. For example first time slot M1/a1 has TD1, and second time slot M2/a1 has TD1, and so on. Each time slot represents a bit. Each time slot represents a bit. Each MS1-MS3 is allocated to each time slots respectively; associating the identifier identifying the responding node with one of the nodes in the range of nodes, based upon the time slot delay in which the response message was received (Chillariga et al. see paragraph 0146). A base station is determined or selected based on the delay time, timing advance and burst overlap information stored in database 25. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the zone manager as taught by Chillariga et al. in the network of Aiello et al. The motivation for using the method as taught by Chillariga et al. in the network of Aiello et al. being that it increases the reliability of the system.

Regarding claim 15, Aiello et al. disclosed the method of create a confirmation packet;transmit the confirmation packet; and during each time slot delay for which a response message was received, transmit a confirmation message to indicate

confirmation of the registration of a corresponding node, the corresponding node being one of the range of nodes (Aiello et al. see paragraph 0078, lines 1-25, and see fig. 4).

Regarding claim 18, Aiello et al. disclosed the method of receive a node register command addressing a range of nodes (Aiello et al. see paragraph 0078, and fig. 1, fig. 4). An Aloha packet in the command slot 62 of TDMA frame 58 is transmitted to unregistered slave devices; determine whether to respond to the node register command, based upon a responding node's inclusion in the range of nodes addressed (see paragraphs 0078, 0079). After the slave devices received the Aloha packet, the slave then change its internal state to online, and respond by sending a signal back to the master device 12; and Chillariga et al. from the same or similar fields of endeavor teaches the method of responsive to determining to respond to the node register command, transmit a message during time slot delay calculated based upon the responding node's location in the range of nodes and an identifier associated with the node (Chillariga et al. see paragraph 0124, and 0025, fig. 13). The zone manager ZM has the ability to measure the time delays corresponding to each time slot. The time delay is illustrated in fig. 3, TD1, TD2, TD3, where time delays are corresponding to a range of time slots. For example first time slot M1/a1 has TD1, and second time slot M2/a1 has TD1, and so on. Each time slot represents a bit. Each MS1-MS3 is allocated to each time slots respectively.

Regarding to claim 19, Aiello et al. disclosed the method of the computer instructions that receive the node register command further comprise computer instructions that, when executed by a computer, cause the computer to set a tentatively

registered flag (Aiello et al. see paragraph 0078, lines 1-25, and see fig. 4). As shown in the paragraph, the status of the slave device is maintained and tracked by master state table, which it can be interpreted as registered flag.

Regarding claim 20, Aiello et al. disclosed the method of receive a confirmation packet (see paragraph 0078); during the calculated time slot delay, listen for a confirmation message; and responsive to detecting a confirmation message during the time slot delay, set a registered flag (see paragraphs 0078, 0079). The master 12 listen to the responding message by using random delay scheme to avoid receiving messages in the same frame, after the message received, the master 12 will set a registered flag by notifying the master table. Chillariga et al. disclosed the method of wait for time slot delay, the time slot calculated based upon the responding node's location in the range of nodes (Chillariga et al. see paragraph 0124, and 0025, fig. 6, box 136, fig. 13). The zone manager ZM has the ability to measure the time delays corresponding to each time slot. The time delay is illustrated in fig. 3, TD1, TD2, TD3, where time delays are corresponding to a range of time slots. For example first time slot M1/a1 has TD1, and second time slot M2/a1 has TD1, and so on. Each time slot represents a bit. Each MS1-MS3 is allocated to each time slots respectively.

Regarding to claim 21, Aiello et al. disclosed the method of the confirmation message is a `1` signal (Aiello et al. see paragraph 0078, lines 1-25, and see fig. 4), the 1 signal can be interpreted as the response from the slave device is successfully transmitted to the master device.

Regarding to claim 22, Aiello et al. disclosed the method of the message is a `1` signal (Aiello et al. see paragraph 0078, lines 1-25, and see fig. 4), the 1 signal can be interpreted as the response from the slave device is successfully transmitted to the master device.

Regardng claim 25, Chillariga et al. disclosed the method of means for creating a confirmation packet comprising confirmation identifier in the time slot delay; means for transmitting the confirmation packet (Chillariga et al. see paragraph 0124, and 0025, fig. 6, box 136, fig. 13). The zone manager ZM has the ability to measure the time delays corresponding to each time slot. The time delay is illustrated in fig. 3, TD1, TD2, TD3, where time delays are corresponding to a range of time slots. For example first time slot M1/a1 has TD1, and second time slot M2/a1 has TD1, and so on. Each time slot represents a bit. Each MS1-MS3 is allocated to each time slots respectively.

Regarding claim 27, Aiello et al. disclosed the method of means for receiving a node register command, the node register command addresses a plurality of nodes (Aiello et al. see paragraph 0078, and fig. 1, fig. 4). An Aloha packet in the command slot 62 of TDMA frame 58 is transmitted to unregistered slave devices;me ans for determining whether to respond to the node register command (see paragraphs 0078, 0079). After the slave devices received the Aloha packet, the slave then change its internal state to online, and respond by sending a signal back to the master device 12; and means for transmitting a message during the calculated time slot delay in response to determining to respond to the node register command, the message being a response to the node register command (see paragraph 0078). After the master 12 sent

out the Aloha message, it awaits for a response from any particular slave stations that want to register with the master 12 as an online slave device. Chillariga et al. from the same or similar fields of endeavor teaches the method of means for calculating a time slot delay corresponding to a particular node based upon the plurality of nodes addressed and the particular node's serial number (Chillariga et al. see paragraph 0124, and 0025, fig. 6, box 136, fig. 13). The zone manager ZM has the ability to measure the time delays corresponding to each time slot. The time delay is illustrated in fig. 3, TD1, TD2, TD3, where each time delay is corresponding to a time slot. For example first time slot M1/a1 has TD1, and second time slot M2/a1 has TD1, and so on. Each time slot represents a bit. Each MS1-MS3 is allocated to each time slots respectively which can be considered as the unique numbers or serial numbers.

Regarding claim 28, Aiello et al. disclosed the method of means for receiving a confirmation packet, the confirmation packet comprising confirmation indicator in the time slot delay (Aiello et al. see paragraph 0078, lines 1-25, and see fig. 4); means for detecting a confirmation message during an assigned time slot delay; (Aiello et al. see paragraph 0078, lines 1-25), as revealed in the paragraph, the master transmits a confirmation command to the slave device to indicate that the slave is in status "online".

6. Claims 5, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aiello et al (Pub No.: 2005/0276255), in view of Chillariga et al. (Pub No.:

2002/0122406), as applied to claim 1 above, and further in view of Gehring et al. (Pub No.: 2004/0090983).

For claim 5, Aiello et al. and Chillariga et al. disclosed all the subject matter of the claimed invention with the exception of the time slot delays, calibrating a receiver during a first portion of the time slot delays. Gehring et al. from the same of ordinary skill in the art at the time of the invention teaches the method of the time slot delays, calibrating a receiver during a first portion of the time slot delays (Gahring et al. see paragraph 0069, lines 1-15). The reference teaches that the slave sync symbols 42a-n are used by a source slave device for providing timing synchronization signals to a corresponding target slave device to accommodate for propagation delays. Therefore, we can interpret that during the delay, the sync symbols are used between target and source slave devices to accommodate (calibrate) for propagation delays. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Gehring et al. in the network of Aiello et al. and Chillariga et al. The motivation for using the method as taught by Gehring et al. in the network of Aiello et al. and Chillariga et al. being that balance the communication between devices compatibility in the system.

Regarding claim 26, Gahring et al. disclosed the method of a means for calibrating a receiver during a portion of each of the plurality of time slot delays (Gahring et al. see paragraph 0069, lines 1-15). The reference teaches that the slave sync symbols 42a-n are used by a source slave device for providing timing synchronization signals to a corresponding target slave device to accommodate for propagation delays.

Therefore, we can interpret that during the delay, the sync symbols are used between target and source slave devices to accommodate (calibrate) for propagation delays.

7. Claims 6, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aiello et al (Pub No.: 2005/0276255), in view of Chillariga et al. (Pub No.: 2002/0122406), as applied to claim 1 above, and further in view of Bilgic (Pat No.: 6256492).

Regarding to claim 6, Aiello et al. and Chillariga et al. disclosed all the subject matter of the claimed invention with the exception of the time slot delay is a response period during which at most one node may transmit a message in response to the node register command. Bilgic from the same or similar fields of endeavor teaches the method of the time slot delays is a response period during which at most one node may transmit a message in response to the node register command (Bilgic see fig. 2, and see column 4, lines 66-67, and see column 5, lines 1-10), as shown in the reference, the frame is broken down into slot for duplex communication between base station and mobile station, therefore we can interpreted that each slot has two section, one is communication forward, and the other is backward. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Bilgic in the network of Aiello et al. and Chillariga et al. The motivation for using the method as taught by Bilgic in the network of Aiello et al. and Chillariga et al.

being that it provides simultaneously responses from the slave devices to the master device.

Regarding claim 11, Aiello et al. disclosed the method of receiving a confirmation packet comprising a second plurality of time slot delays (Aiello et al. see paragraph 0078, lines 1-25, and see fig. 4); during the assigned time slot delay, listening for a confirmation message (Aiello et al. see paragraph 0078, lines 1-25, and see fig. 4), after the slave device transmitted a response, it is waiting for the confirmation message from the master, which can be interpreted as listening for confirmation message; and responsive to detecting a confirmation message, setting a registered flag (Aiello et al. see paragraph 0078, lines 1-25, and see fig. 4), after the slave is registered, the master stores the status in the master table. However, Aiello et al. did not disclose the method of waiting for an assigned time slot delay, the assigned time slot delay being one of the second plurality of time slot delays. Bilgic disclosed the method of waiting for an assigned time slot delay, the assigned time slot delay being one of the second plurality of time slot delays (Bilgic see fig. 2, and see column 4, lines 66-67, and see column 5, lines 1-10), as shown in the reference, the frame is broken down into slot for duplex communication between base station and mobile station, therefore we can interpreted that each slot has two section, one is communication forward, and the other is backward.

Regarding to claim 12, Aiello et al. disclosed the method of the confirmation message is a `true` signal (Aiello et al. see paragraph 0078, lines 1-25, and see fig. 4),

the true signal can be interpreted as the response from the slave device is successfully transmitted to the master device.

8. Claims 2, 3, 7, 14, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aiello et al (Pub No.: 2005/0276255), in view of Chillariga et al. (Pub No.: 2002/0122406), as applied to claim 1 above, and further in view of Padovani et al. (Pat No.: 6574211).

For claim 7, Padovani et al. disclosed the method of during the time slot delay, not transmitting a signal if the corresponding node is not registered (Padovani et al. see column 7, lines 1-6). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Padovani et al. in the network of Aiello et al. and Chillariga et al. The motivation for using the method as taught by Padovani et al. in the network of Aiello et al. and Chillariga et al. being that it performs simultaneous tasks at each time slot.

Regarding claims 2, 14 Padovani et al. disclosed the method of the second plurality of bits are padded with zeros (Padovani et al. see column 24, lines 26-32).

Regarding claim 3, Padovani et al. disclosed the method of the node register command further comprises a third plurality of bits (Padovani et al. see column 21 lines 23-35, and see fig. 4A). In the figure 4A, the traffic channel is fragmented into plurality of frames, and each frame comprises 16 time slots and each time slot is further

fragmented into 4 quarter slots, therefore we can interpreted that each quarter slot represents each bit, and there are 16 sets of quarter bits in this frame.

Regarding claim 16, Padovani et al. disclosed the method of during a portion of each of the plurality of time slot delays, determine a level of noise in the network; and set a threshold for a good signal, the threshold being above the level of noise (Padovani et al. see column 4, lines 26-43), since the reference also teaches the duplex communication between the base and mobile stations, we can call at each time slot, the slot comprise of two portion, and one of the portion can be the time slot delay. Moreover, the mobile measures the C/I of the forward link signals, which can be interpreted as, determine a level of noise. The mobile also selects the best base station using highest data rate, which is the threshold.

Regarding claim 17, Padovani et al. disclosed the method of each of the plurality of time slot delays comprises a calibration period and a response transmission period (Padovani et al. see column 16, lines 48-67, and see column 17, lines 1-7).

Allowable Subject Matter

9. Claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art did not teach the method of during a first portion of the time slot delay, determining a level of ambient noise in a network; determining a ceiling of the level of ambient noise; setting a threshold for a good signal

to a predetermined level above the ceiling of the level of ambient noise; and during a second portion of the time slot delay, listening to the network for a signal, as recited in claim 31.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kan Yuen whose telephone number is 571-270-1413. The examiner can normally be reached on Monday-Friday 10:00a.m-3:00p.m EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky O. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KY

RICKY Q. NGO
SUPERVISORY PATENT EXAMINER